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FACEBOOK, INC. and MARK ZUCKERBERG

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FACEBOOK, INC. and MARK ZUCKERBERG,

Plaintiffs,

v.

CONNECTU, INC. (formerly known as CONNECTU, LLC), CAMERON WINKLEVOSS, TYLER WINKLEVOSS, DIVYA NARENDRA, PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, WAYNE CHANG, and DAVID GUCWA AND DOES 1-25,

Defendants.

Case No. 5:07-CV-01389-RS

PLAINTIFFS' ADMINISTRATIVE REQUEST PURSUANT TO LOCAL CIVIL RULE 79-5(B) & (D) TO FILE UNDER SEAL EXHIBITS C, E, L, M, O, U, X, AND CC TO THE DECLARATION OF THERESA A. SUTTON IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

Date: October 10, 2007
Time: 9:30 a.m.
Judge: Honorable Richard Seeborg

Dockets.Justia.com

Pursuant to Civil L.R. 7-11 and 79-5 (b), Facebook respectfully submits this administrative request asking the Court to file under seal Exhibits CC to the Declaration of Theresa A. Sutton filed in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss. Pursuant to Civil L.R. 7-11 and 79-5(d), Facebook also respectfully submits this administrative request asking the Court to file under seal Exhibits C, E, L, M, O, U, and X to the Declaration of Theresa A. Sutton filed in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss.

The parties entered into, and the California Superior Court issued, a Stipulated Protective Order on January 23, 2006, which prohibits either party from filing in the public record any documents that have been designated as "Confidential" or "Highly Confidential" pursuant to the Protective Order.

Exhibit C to the Declaration of Theresa A. Sutton filed in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss is a copy of Defendants' Reply to Facebook's Opposition to Defendants Motion to Quash, filed on May 24, 2006, Santa Clara County Superior Court, Case No. 1:05-CV-047381. It has been marked Confidential by ConnectU pursuant to the Protective Order entered in this matter, and hence is subject to Local Civil Rule 79-5(d).

Exhibit E to the Declaration of Theresa A. Sutton filed in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss is a copy relevant exhibits from ConnectU's production in the Massachusetts action, *ConnectU LLC v. Zuckerberg, et al.*, Case No. 1:04-cv-11923-DPW. These documents have been marked Confidential by ConnectU pursuant to the Protective Order entered in that matter, and hence is subject to Local Civil Rule 79-5(d).

Exhibit L to the Declaration of Theresa A. Sutton filed in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss is a copy of relevant exhibits from Pacific Northwest Software's production. These documents have been marked Confidential by Pacific Northwest Software pursuant to the Protective Order entered in this matter, and hence is subject to Local Civil Rule 79-5(d).

Exhibit M to the Declaration of Theresa A. Sutton filed in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss is a copy relevant exhibits from ConnectU's production in this action. These documents have been marked Confidential by ConnectU pursuant to the Protective Order entered in this matter, and hence is subject to Local Civil Rule 79-5(d).

Exhibit O to the Declaration of Theresa A. Sutton filed in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss is a copy of relevant excerpts from Winston Williams' June 19, 2007, deposition. The deposition testimony has been marked Confidential by Winston Williams pursuant to the Protective Order entered in this matter, and hence is subject to Local Civil Rule 79-5(d).

Exhibit U to the Declaration of Theresa A. Sutton filed in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss is a copy of ConnectU LLC's August 5, 2005, Operating Agreement produced in the Massachusetts action, *ConnectU LLC v. Zuckerberg, et al.*, Case No. 1:04-cv-11923-DPW. It was marked Confidential by ConnectU pursuant to the Protective Order entered in that matter, and hence is subject to Local Civil Rule 79-5(d).

Exhibit X to the Declaration of Theresa A. Sutton filed in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss is a copy of ConnectU's Supplemental Brief in Support of Opposition to Motion to Dismiss filed in the Massachusetts action, *ConnectU LLC v. Zuckerberg, et al.*, Case No. 1:04-cv-11923-DPW. It was marked Confidential by ConnectU pursuant to the Protective Order entered in that matter. This exhibit should be sealed from public viewing pursuant to Local Civil Rule 79-5(d).

Exhibit CC to the Declaration of Theresa A. Sutton filed in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss is a copy of Facebook's Motions to Compel filed in the Superior Court for the County of Santa Clara action, Case No. 1:05-CV-047381. These motions contain references to documents and deposition testimony produced by ConnectU that ConnectU marked Confidential. Accordingly, the Motions to Compel were marked Confidential by Facebook pursuant to the Protective Order entered in that matter. This exhibit should be sealed from public viewing pursuant to Local Civil Rule 79-5(b) and (d).

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Dated: September 19, 2007

Orrick, Herrington & Sutcliffe LLP

/s/ Theresa A. Sutton /s/

Theresa A. Sutton
Attorneys for Plaintiffs
FACEBOOK, INC. AND MARK ZUCKERBERG

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on September 19, 2007.

Dated: September 19, 2007.

Respectfully submitted,

/s/ Theresa A. Sutton /s/
Theresa A. Sutton